

UNITED STATES OF AMERICA  
 NATIONAL TRANSPORTATION SAFETY BOARD  
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

MV ETHAN ALLEN,  
 LAKE GEORGE, NEW YORK,  
 OCTOBER 2, 2005

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Docket No.: DCA 06 MM 001

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Interviews of: LAKE GEORGE STEAMBOAT COMPANY

Fort William Henry Resort and  
 Conference Center  
 Lake George, NY

Tuesday,  
 October 4, 2005

The above-captioned matter convened, pursuant to  
 notice, at 4:12 p.m.

BEFORE: MORGAN TURRELL

## APPEARANCES:

MORGAN TURRELL  
National Transportation Safety Board

SGT. WALTER SCHEDEL  
New York State Park Police

MATTHEW QUIRK  
SEAN QUIRK  
Shoreline Cruises

LIAM LARUE  
National Transportation Safety Board

WAYNE JUDGE  
Lake George Steamboat Company

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I N T E R V I E W

(4:12 p.m.)

MR. TURRELL: Okay, good afternoon. This is Morgan Turrell of the NTSB in the investigation of the Ethan Allen. It's October 4 at 16:12. We're in the offices of the Lake George Steamboat Company, and we will go around the room and introduce ourselves.

My name is Morgan Turrell. And to my right?

MR. SEAN QUIRK: Sean Quirk, Shoreline Cruises.

MR. LARUE: Liam Larue, NTSB.

MR. JUDGE: Wayne Judge, Lake George Steamboat Company.

MR. DOWL: Bill Dowl, Lake George Steamboat Company.

CAPT. FINLAYSON: You have to excuse me. I have laryngitis. I'll do the best I can. Captain Darrell M. Finlayson, Lake George Steamboat Company.

MR. MATTHEW QUIRK: Matthew Quirk, Shoreline Marina.

MR. LA POINTE: I'm George La Pointe, Lake George Steamboat Company.

SGT. SCHEDEL: Sgt. Walt Schedel, New York State Park Police.

MR. TURRELL: Okay, great. I think we'll start with this gentleman over here, Mr. La Pointe. We'll go ahead and start with you.

BY MR. TURRELL:

1           Q.    If you would just tell us what your position here at  
2 Lake George Steamboat Company is.

3           A.    I'm one of the steamboat operators.  On Sunday I was  
4 operating as pilot with Captain Finlayson.  I've been an  
5 employee here -- this is my 12th season operating as a pilot.  
6 I have previous history with the company as a crew member from  
7 1970 to 1976.

8           Q.    And what are your duties as a pilot?

9           A.    As pilot I'm largely responsible for making sure the  
10 boat is clean and in a ready state to board passengers for our  
11 trips.  So I'm in charge of the deck hands, making sure the  
12 deck hands have the boat clean and orderly.  I'm in charge of  
13 making sure that our lines are singled up, that we are loaded  
14 with, you know, necessary supplies, like water, potable water,  
15 and that our shore power and water lines are removed prior to  
16 our trip.

17          Q.    Okay.  And can you tell us a little bit about that  
18 day, what happened, in your own words.  Well, start from the  
19 cruise.

20          A.    Okay, for the cruise part, we board passengers for  
21 our 2:30 cruise at 2:00.  So we do a large go-round, make sure  
22 the boat is ready, make sure our snack bar and other employees,  
23 talk to our gift shop, are ready before we board the  
24 passengers.  Then we go out and let the passengers come aboard.

25                On that particular day I was doing the first part of

1 the trip, meaning I operated the boat for the first part of the  
2 trip. So I went up to the pilothouse approximately 20 minutes  
3 after 2:00. Part of the routine when I get up into the  
4 pilothouse is, I ring engine to telegraph -- it's just a bell  
5 system -- to the engineer. He starts the engines. I make sure  
6 we have engines, we have air, we have steering. I do a visual  
7 check off the back of the boat to check for any boat traffic.  
8 I make a habit of looking over the Shoreline boats to see if  
9 any of the big boats are out. I then go over to our port side.  
10 I look down and make sure, double check, that our water line is  
11 off and our power line is off.

12           Then I go in, and the first thing we do is a safety  
13 announcement. And we have a checklist that we go down, make an  
14 announcement over the PA system to all the passengers asking  
15 them, first, to watch their step at all times while onboard the  
16 vessel, reminding them that they are on water. The boat will  
17 be moving. Some of our decks are curved for the drainage of  
18 water. Our decks are painted with a slip retardant paint. We  
19 ask them nevertheless to please watch their step. We advise  
20 them that there is a small threshold on the doorways. Please  
21 watch your step going through the doorways. We advise them  
22 again the boat is in motion. Watch your step on the stairs.  
23 Please use the handrails on the stairs. We make a special  
24 announcement for parents of small children to please keep a  
25 close eye on your children, especially around the open areas

1 such as the stairways. We ask that they please do not sit or  
2 climb on any railings or fences, or stand on any of the chairs.  
3 And then we advise them that the Mohican does carry life  
4 preservers in the event of any emergency. Life preservers are  
5 located overhead on the first deck, in a large cabinet in the  
6 rear of the second deck, and two large compartments are in back  
7 of the pilothouse on the third deck. We tell them that  
8 instructions are posted on how to put lifejackets on and our  
9 crew members are trained in the proper use of donning the  
10 lifejackets, and that in the event of any emergency they'd be  
11 notified over our ship's PA system and our crew members would  
12 assist you. After we go through the safety announcements, I  
13 sound what we refer to as the five-minute whistle. We blow the  
14 whistle, and then we wait clearance from the ticket office  
15 before we get underway.

16           So I went through those procedures, just as I stood  
17 there. We did have a vessel out on the lake at that time, the  
18 Steamboat Minne-Ha-Ha. The Minne-Ha-Ha berths right next to  
19 the Mohican. So we wouldn't ever get underway with the Minne-  
20 Ha-Ha out in the bay. So we wait for the Minne to come in.  
21 The Minne came in right on time that day, right at 2:30. So I  
22 was just waiting clearance from the office. Generally there's  
23 a bit of a leeway for last-minute walk-up passengers. At 2:35  
24 I radioed to the office and asked if we were clear to sail.  
25 They said yes, we were. And I ran our deck bell, which is how

1 we signal our crew members that we're ready to get underway.

2           Once I ring the bell, the first thing I do is remove  
3 the gangway. After I remove the gangway, the gate where the  
4 passengers entered, that's replaced. Then I remove the bow  
5 line, stern line and spring line last, and we back away from  
6 the pier. And that's what happened that way. We checked for  
7 any boats in the area. We backed away from the pier, sounded  
8 the ship's whistle three times backing out. We backed over  
9 this way, and then we proceeded this way in front of the pier.  
10 That's going to the east.

11           When doing so we operate in what we refer to as the  
12 notch. That's the slowest forward gear. We come out of the  
13 five mile an hour area over here until approximately the center  
14 of the bay, and we turn north staying in the middle of the bay.  
15 We stay pretty much in the notch until we clear the motel area  
16 on the west side, because of all the boats over there. As we  
17 approach Tea Island we accelerate our speed. At about Tea  
18 Island we're up to -- I'm usually setting it at what I call our  
19 regular cruising speed, which is about 1725, 1730 rpms.

20           My course at that point coming out of the middle of  
21 the basin is Big Canoe Island, and that keeps us pretty much,  
22 you know, out away from the shoreline and closer to the center  
23 of the lake. And it was a beautiful day. There were a lot of  
24 boats on the lake that day. There weren't as many boats as  
25 (indiscernible), where you had to avoid boats, but there was a



1 considerable amount of boat traffic on the lake. So that's the  
2 other reason why we stay out. And then from there on we  
3 basically, you know, proceeded on our regular course.

4           Now as I proceeded north -- well, you know, this was  
5 part of my statement to Warren County, so I'm mentioning it  
6 here, too -- I did see the Adirondac, which wasn't at the pier,  
7 at their pier, when we left. It was coming south. I saw it  
8 just north of submerged historical preserve up here, up the  
9 lake a bit, and I made an announcement. That's why I remember  
10 it. I said, "Off to our port side is one of the newer vessels  
11 on the lake. That's our competition. It's called the  
12 Adirondac. And off to our right in about 108 feet of water  
13 beneath these buoys lies one of the oldest vessels on the lake,  
14 the British warship dating back to 1878." And I describe how  
15 it's a dive site. But it was just -- it stuck in my mind,  
16 because we had the new and the old, so I -- that's why I know  
17 we passed port to port. And the Mohican was closest to the  
18 buoys. The buoys were on my starboard side.

19           And again, we proceed on our normal steamboat  
20 courses. At least that's, you know, how I refer to them.  
21 These have been taught to me. They have been handled down to  
22 every single captain. Leaving the southern basin we went on to  
23 Big Canoe Island. We do adjust course by Cooper Point, just a  
24 little bit to starboard, because Cooper Point runs out a bit.  
25 After Cooper Point I usually round Little Canoe Island to Canon

1 Point, and then we adjust to the west running closer to Canoe  
2 Island Lodge. Canoe Island Lodge is another area where this  
3 spring when the water was high, you know, they asked us to  
4 watch our wake. So we've been making a point of slowing down  
5 as we go into Canoe Island Lodge. So I backed off about 1500  
6 rpm's there. Then we -- making the -- on our normal course,  
7 when we come around Canoe Island Lodge when the Canoe Islands  
8 start to close up, our next course adjustment is running on  
9 Dome Island. Again, it takes us out towards the center of the  
10 lake.

11           And what I recall -- and again, I was at the wheel.  
12 I wasn't on the (indiscernible). But I'm going to say I was  
13 about either half or approaching the Lake George Club. The  
14 cell phone rang and Captain Finlayson answered it. And, again,  
15 I didn't speak to the person on the phone. But Captain  
16 Finlayson related to me that -- I believe it was Todd Earl  
17 called. He said that his wife works on the emergency squad.  
18 She heard a call over the scanner saying there was a boat -- I  
19 don't remember whether he said boat accident or what the term  
20 was by Green Harbor, and Todd asked if we were at Green Harbor.  
21 You know, we were well north of Green Harbor at that time, by  
22 the Lake George Club, so we just said no.

23           We continued on our normal course. The next radio  
24 contact or any communication that I recall, we were up by  
25 Recluse Island, just outside of Bolton Bay, when I got a radio

1 call from a woman in our ticket office. Her name was Sharon.  
2 She identified herself as Sharon -- no, I'm sorry, it wasn't.  
3 It was from a young man (indiscernible).

4 So he said, "Base to Mohican."

5 I answered, "This is the Mohican."

6 He replied, "There's an emergency. Could you call on  
7 the land line." I think "emergency" is the term he used. I  
8 just presumed it was a family emergency.

9 Captain Finlayson called to the office. I stayed at  
10 the wheel. And from what I overheard -- and again, this is  
11 just overhearing, the person in the office advised us there was  
12 an accident in Bolton Bay. Captain Finlayson said, "We're in  
13 Bolton Bay, and we don't see any accident." Again, continuing  
14 on our course, we're now approaching the Narrows. And then I  
15 got a call on the radio from the ticket office. This is the  
16 woman who identified herself as Sharon.

17 Again, I answered, "This is the Mohican."

18 And she said, "I have a woman from the Shoreline  
19 Cruises on the phone. She wants to know --" and I don't  
20 remember if she said where I saw the Ethan Allen or what time I  
21 saw the Ethan Allen. And I replied over the radio, "I did not  
22 see the Ethan Allen," and we continued on our cruise up to  
23 Paradise Bay. We did Paradise Bay, meaning we took the Mohican  
24 in, went in from the south. We came out the north. Upon our  
25 return trip, we started to hear radio chatter or talk, if you

1 will, on channel 16. It probably was the sheriff's office or  
2 the park commission, and they were advising of a debris field,  
3 calling all boats to stay out of that area. I don't know that  
4 they identified the area. I think they were talking to boats  
5 that must have been in the vicinity.

6           Coming out of the Narrows we heard another call,  
7 presumably from the sheriff or the park commission. This was  
8 directed specifically at a sailboat, advising them that this  
9 was a secure area. It's a debris field. If you come any  
10 closer, you'll be arrested. At that point, after Paradise Bay,  
11 Captain Finlayson takes over at the wheel, so I was just  
12 sitting on the bench, on a chair in the pilothouse when I heard  
13 these messages. We didn't have any more cell phone contact  
14 until -- by that I mean nobody called us until I'd say we came  
15 out of Assembly Point. And again, my memory is bad at that  
16 time. I took a cell phone call from Bill Gates. Bill Gates  
17 works here. I work with Bill occasionally. And he asked if we  
18 had heard about the accident. And I said we've heard stuff on  
19 the radio. We heard different things, free harbor, boat land,  
20 but didn't really have any information.

21           Later on, a little farther down coming south,  
22 probably closer to Diamond Island, the cell phone rang again.  
23 This was Don Cornell, another captain who works for the Lake  
24 George Steamboat Company, said he was watching the TV, heard  
25 about an accident, asked if we'd seen anything. By this point,

1 we had just come through Assembly Point, and I did have the  
2 binoculars looking across the lake. It was difficult to see  
3 any flares, but by the number of boats I saw over there and the  
4 flashing lights I figured that had to be where the accident  
5 was. And I just mentioned to Don we had a lot of boats over  
6 there. And I said, you know, we're not anywhere near. We're  
7 on this side of the lake right now. We're heading back.

8           And that's really it. In terms of our trip, there  
9 was nothing out of the ordinary, other than those few radio --  
10 or the chatter I heard in the background or the cell phone.  
11 When we reached the pier, Captain Finlayson landed the boat. I  
12 made my way down to the gangway, and we try to get down there  
13 just so -- our crew members are on either side of the gangway,  
14 and we try to have an officer there as the passengers get off,  
15 primarily to advise them to watch their step. Sometimes the  
16 boat will move around. I think all the passengers were off and  
17 a young gentleman in a sheriff's uniform identified himself. I  
18 don't remember his name, but he was a deputy sheriff. He come  
19 on the boat, and he said he wanted to get the captain's name  
20 and my name. And we asked, well, sure, but why, and he said  
21 that the Mohican's wake was said to be a contributing factor in  
22 the accident. And so we gave him the name -- our names and  
23 addresses.

24           Q. When you said there was a nice day and there were  
25 lots of boats out, can you perhaps try and quantify in your

1 mind how boats there were?

2 A. It's hard to do, because everything is relevant. The  
3 day was much like today. It was a beautiful day, and if you  
4 look out on the lake today you won't see hardly any boats. It  
5 was significant because there were a lot of pleasure boaters  
6 out. On the weekends there are a lot of boats out generally if  
7 the weather is nice. It was significant in my mind that I  
8 hadn't seen many jet skis out in recent weeks. There were some  
9 jet skis out. There were people just out, to use a phrase,  
10 hanging out. They weren't necessarily motoring but just out in  
11 the middle and, you know, talking. There were several  
12 sailboats. It wasn't a really windy day. There was a light  
13 north wind, but there were a few sailboats out. It was just --  
14 it reminded you of close to a summer day out there, the boat  
15 traffic. I couldn't put a number if that's what you --

16 Q. Okay. You gave me a better sense.

17 A. Yeah.

18 Q. You gave a good description when you were talking  
19 about the Adirondac coming south and you said the warship --  
20 was it a certain distance ahead of you?

21 A. The warship was right off our port side.

22 Q. Okay.

23 A. Excuse me, our starboard side. The Adirondac was  
24 approaching on our port. So we weren't side by side with the  
25 Adirondac yet.

1 Q. They had been ahead of you?

2 A. They were ahead of us. And I guess I probably should  
3 have elaborated. We provide narration for all our cruises.  
4 And usually the person at the wheel is the one providing the  
5 narration. And our afternoon trip, we generally go up what we  
6 call the western side of the lake, the western side of the  
7 middle, if you will. And we identify a lot of the old mansions  
8 that are there, and we also talk about other points of  
9 interest, like the history of the lake and the area. The Radow  
10 buoy is significant in terms of where we talk about the French  
11 and Indian War and it's a national historic landmark, the  
12 oldest warship intact in North America. And I just thought of  
13 the irony, because here we have one of the brand new vessels on  
14 the lake. That's why I say in my mind that I made the  
15 announcement at that time.

16 Q. Okay. Can you give me just in a rough sense of time  
17 how many minutes that would have been when you passed the  
18 Adirondac and the elapsed time from leaving?

19 A. No, I really couldn't, because when I'm at the wheel  
20 I never look at a clock. I never think to do that. The  
21 only -- the first part of our trip after we leave the pier,  
22 where we really pay attention to the time is going into  
23 Paradise Bay, or when we turn around to when we go into  
24 Paradise Bay. We do have points of going normal speed, like I  
25 can tell you that it's approximately 45 minutes from Bolton

1 Landing to the pier going our regular cruising speeds. And  
2 that's accounting for slowing down coming into the five mile  
3 zone, like that. The Lake George Club is approximately 30  
4 minutes from the pier. So accounting for the time when we got  
5 underway, going out, I can't tell you exactly what time it was  
6 when we saw the Adirondac.

7 Q. Okay. Now --

8 A. (Indiscernible) and they sped by.

9 MR. TURRELL: Okay, I'm going to go ahead and just  
10 pass out to Liam. Do you have anything? Just identify  
11 yourself for the record.

12 BY MR. SEAN QUIRK:

13 Q. Sean Quirk of Shoreline Cruises. We said you were  
14 waved for clearance at 2:35?

15 A. I waved for clearance at 2:35, but we usually don't  
16 get it for a few minutes after.

17 Q. Okay, so you got clearance at 2:35?

18 A. That's correct. I know that because I called over to  
19 the office. I checked my watch, because they didn't clear me  
20 yet.

21 Q. Okay. And then you said (indiscernible)?

22 A. Our gangway.

23 Q. Yeah, the gangway and the ropes. What time would you  
24 say you actually left the pier?

25 A. I didn't look at the clock. The captain logged the



1 time. But it doesn't take us more than probably -- I would  
2 say, being generous, two minutes, to do that. It may not even  
3 be that long.

4 Q. Do you recall on that cruise how many people you had  
5 on the cruise?

6 A. Again, the captain logged the final count. While I  
7 was in the pilothouse I mentioned to the crew taking the count,  
8 I asked him how many he had at that point, and there were 148.  
9 I didn't look in the logbook at the count. I did hear from one  
10 of the kids at the end of the day. I believe he said it was  
11 170. But the logbook will have that. I don't have that off  
12 the top of my head.

13 Q. What is maximum on the Mohican?

14 A. Our capacity this year was set at, I believe, 370.  
15 We rarely have had a crowd -- I think we've had 200 or 300  
16 crowds on holiday weekends this year.

17 UNIDENTIFIED SPEAKER: It's licensed for more than  
18 that.

19 UNIDENTIFIED SPEAKER: Right, but --

20 UNIDENTIFIED SPEAKER: But you keep it down, right?

21 UNIDENTIFIED SPEAKER: Yeah.

22 UNIDENTIFIED SPEAKER: 330 (indiscernible), something  
23 like that?

24 BY MR. SEAN QUIRK:

25 Q. What time did you return?

1           A.    We normally return at 4:45.  If we leave on time,  
2   that's our schedule to get back time.  Again, I'm --

3           Q.    (Indiscernible).

4           A.    That's correct.  Now sometimes on a nice day we might  
5   do a little bit, go closer to the eastern shoreline,  
6   particularly by (indiscernible) when there are jumpers.  I  
7   presume we were on our regular time.  But as soon as the  
8   captain landed the boat, I went down below, so I didn't log the  
9   time that we were at the pier.  The captain did.

10          Q.    Okay.  Do you have policy or anything to return on  
11   time?  If you leave --

12          A.    We give our passenger a full trip, so we'll get back  
13   late if we leave late.

14          Q.    Did you return late; do you know?

15          A.    I don't know.  I would guess if we left five minutes  
16   late we probably got back five minutes late or so, because we  
17   did the full Paradise Bay trip.  It's possible to say if we had  
18   bad winds, we wouldn't go into Paradise Bay with strong winds.  
19   It's possible in that case we'd be back a couple of minutes  
20   early, but not on a beautiful day like Sunday.  We'd go in the  
21   bay.

22                MR. SEAN QUIRK:  Thank you.

23                UNIDENTIFIED SPEAKER:  I don't have anything in  
24   particular for George at the moment, maybe in general, once we  
25   get to that.

1           MR. TURRELL: Okay. Captain Finlayson, we'll go  
2 ahead and start with you then.

3           BY MR. TURRELL:

4           Q. Just identify yourself and spell your name.

5           A. It's Darrell M. Finlayson, D-A-R-R-E-L-L, last name  
6 F-I-N-L-A-Y-S-O-N.

7           Q. If you would just tell us what your position is here  
8 at Lake George.

9           A. Captain, Lake George Steamboat Company for 37 years,  
10 prior to that, Warren County Navigation Patrol -- I believe it  
11 was 6 summers, in the '60s.

12          Q. And that day, can you tell us what happened on that  
13 day in your own words?

14          A. Well, Captain La Pointe, here, pretty well covered --  
15 I would concur with what he stood. Basically, as he pointed  
16 out, he was at the wheel. I was on the quarter deck as we  
17 leave, making sure that the deck hands put the gate in first  
18 before we untie the lines. That's a safety procedure so the  
19 youngster or something might run through there and  
20 (indiscernible) go into the water. Once we get underway I went  
21 up onto the bridge with Mr. La Pointe. And basically George  
22 has been my, in fact, deck hand nine years ago. And he just  
23 got his master's (indiscernible).

24          CAPT. LA POINTE: Well, (indiscernible) the company  
25 12 years ago. This is the first summer that I actually got my

1 master's and got to run as a captain.

2 CAPT. FINLAYSON: So basically what I done, routine  
3 is once we leave the area, it's habit if you're training a  
4 pilot, right away you're checking to see if he's on course.  
5 And like he pointed, we use the old (indiscernible) courses.  
6 And out of habit I keep checking, especially if you're training  
7 a pilot, to make sure they're on course. Because it takes a  
8 while to learn all the courses. But George was on course and I  
9 proceeded to look in the log. One of the things I do once in  
10 awhile is I keep track of the count to see what it looks like  
11 the year before. And I was checking the log and George was on  
12 course and we were going up the lake.

13 In fact, I never saw the Ethan Allen because, again,  
14 basically as long as I've been on this lake, and I'm  
15 (indiscernible) here before they got the boat, the De Champlain  
16 and all the rest of them, we never had a problem with them.  
17 They go over our wake and everything else. And I might point  
18 out, in my experience I've never seen these boats full very  
19 often. Very seldom are they full, 8, 10, 15, 20 in them. And  
20 to me, that was unusual to see and hear about the boat having  
21 that many people boarded.

22 But regardless of that, we go on our trip. And  
23 basically as a captain or a pilot you're checking your course  
24 and you're looking for situations out there with the boats,  
25 where they're (indiscernible) and sailboats, et cetera. So

1 George didn't see -- didn't recognize the Ethan Allen. We  
2 ended up (indiscernible) anyway. We wouldn't be looking. We  
3 had no reason to be looking in their (indiscernible). That's  
4 not -- so anyway, we did not see the vessel there. And we  
5 proceeded, like George pointed out, and did our whole routine.  
6 And the different calls we got, I concur with that.

7 (Indiscernible), signed the log, sign out.

8 Q. Are there company procedures that you have -- company  
9 procedures that are written down. They are passed to you and  
10 you pass on?

11 A. Yeah, we have a handbook (indiscernible), a company  
12 handbook. And procedures are (indiscernible).

13 Q. What kind of training do you folks have on board, or  
14 drills or emergency training?

15 A. We have -- during the first of the season, we have  
16 fire drills. In fact, at one time I pulled a fire drill on the  
17 top deck of the Mohican with passengers aboard, up on  
18 (indiscernible) or Anthony's Nose. And we got all the  
19 passengers up close to the pilothouse and actually put water to  
20 the hose. And we got finished and all the passengers (sound of  
21 clapping). And we used to do a lot of that. I did training  
22 pilots for their exam, man overboard drill, where we throw the  
23 ring over and come about, and have the deck hand pick it up.  
24 And again, the passengers (sound of clapping) like that. So we  
25 do routine fire drills, man overboard -- I said fire drill,

1 right?

2 Q. And your inspections for certification, can you tell  
3 me what that entails?

4 A. Well, it's done by the New York State Marine  
5 Division, our Coast Guard here. The vessels are inspected  
6 every year and the certificates posted on the bulkhead.

7 Q. To your knowledge, have you ever known of your boats  
8 here to have any major problems or deficiencies that you know  
9 of?

10 A. No, sir, I've never seen anything.

11 Q. If you did have a problem with safety or some sort of  
12 management issue or crew issue, who would you talk to?

13 A. I'd talk to Mr. Dowl, the owner of the steamboat  
14 company. In fact, I had one issue, you remember, I suggested  
15 we put a gate up there by the pilothouse, and that was done  
16 right away, safety as far as maybe some child gating in that  
17 area. So if we notice anything, it's taken care of right away,  
18 because (indiscernible) the welfare and safety of our  
19 passengers. That's been done as long as I've been here, for 37  
20 years.

21 Q. How often do you fuel the Mohican?

22 A. We used to have the tanks on pier and (indiscernible)  
23 years ago, and then we had the tankers come on pier -- as  
24 needed  
25 -- I don't know how often. We average about twice a week.

1 Q. Twice a week?

2 A. Per boat.

3 Q. Does the draft change much? Do you just generally  
4 fill the tanks up and then just -- how does that work?

5 A. Well, when they come here and fill them up, I guess  
6 it's almost to capacity. And, of course, we run them. It  
7 doesn't change the draft of the vessel very much.

8 Q. What would you just guess the change of draft for  
9 fuel?

10 A. I've never looked at that. It's minor.

11 Q. What is the draft on the Mohican, the operating  
12 draft?

13 A. About seven feet. Underway the back will kick down a  
14 little more. If we put 340 passengers it may drop 8 inches at  
15 the most.

16 Q. Have there been any major modifications to the  
17 Mohican that you know of in the last five years, six months?

18 A. Well, the only thing we did, we put a new front  
19 entrance on the front, first day. (Indiscernible).

20 Q. But no major re-powering or any major --

21 A. We put the new engines in, how many years now?

22 UNIDENTIFIED SPEAKER: Almost ten years.

23 CAPT. FINLAYSON: Ten years. I didn't realize it was  
24 that long.

25 BY MR. TURRELL:

1 Q. And the --

2 A. Prior to that, we did the bulkheads, too, remember?

3 (Indiscernible) type bulkheads have been put in.

4 (Indiscernible). He can give you all that.

5 Q. Recently, in the last six months, the last year?

6 A. Just the (indiscernible) front entrance. I'm only  
7 working two days a week. Now when I first came here, I worked  
8 five days a week and then I worked four for years, three, and  
9 I'm down two. I believe I'm the only captain that has two days  
10 off.

11 Q. That's a nice --

12 A. Yeah, a nice routine.

13 Q. This is perhaps (indiscernible) question. How much,  
14 say, normal sleep do you get? And I'm going to ask you the  
15 same thing, George, what your sleep routine, are you getting  
16 enough?

17 A. Total, with my naps, too?

18 Q. (Indiscernible). What time do you wake up and what  
19 time do you go to bed?

20 A. On a normal day I usually wake up at 6:00 when I'm  
21 coming up here, because I try to get here -- the morning trip  
22 leaves at 9:00 in the morning, and we go the whole length of  
23 this lake on the summer schedule. So I try to get up here --  
24 we leave at 9:00. I get up here probably 7:30, 8:00. I  
25 average probably eight hours or more sleep a night.



1 UNIDENTIFIED SPEAKER: God bless you. I wish I could  
2 sleep like that.

3 CAPT. FINLAYSON: Well, sometimes I'll stay up and,  
4 you know, watch some old time movie. My wife gets mad at me.

5 BY MR. TURRELL:

6 Q. Does the company require a physical?

7 A. No, we don't have physicals.

8 Q. Okay. Do you take any medications?

9 A. Nothing, except for a cold.

10 Q. Do you smoke or drink?

11 A. No, I don't smoke. Oh, I'll have a cocktail once a  
12 week at the most.

13 MR. TURRELL: And, George, back to you, can you tell  
14 me roughly -- the same question, how much sleep do you get a  
15 night?

16 CAPT. LA POINTE: (Indiscernible). I work in Albany  
17 during the week, and I get up pretty early. I get up about  
18 3:15 in the morning. But I'm usually looking to hit the hay  
19 about 8:30. And my wife kind of calls me "old man" because I  
20 do that, but that's part of the schedule. On the weekends I  
21 get to, you know, live it up a little bit, because especially  
22 the fall of the year we don't have a trip until 2:30 in the  
23 afternoon. But I try to get up here by 11:30 on Saturdays for  
24 our afternoon trip. I try to be here when our crew members are  
25 supposed to be cleaning the boat. In the summertime, when we

1 have the early trip, I'm usually here by between 7:00 and 7:30.

2 MR. TURRELL: Darrell, back to you, on engine -- not  
3 engine, boat maintenance and -- company maintenance, how is  
4 that done here at Lake George? What type of grievance  
5 procedures do you guys follow or what do you do? Like say, for  
6 example, a pump failed, what would you --

7 CAPT. FINLAYSON: Well, we have a marine  
8 superintendent besides (indiscernible). And the engineers  
9 would probably report that to him and it's taken care of as  
10 fast as possible.

11 BY MR. TURRELL:

12 Q. What about routine maintenance, preventative type  
13 maintenance, do you have any program for that?

14 A. I believe we keep track of the hours on these  
15 engines, and after a certain number of hours, I assume by the  
16 company they, they do whatever they have to as far as routine  
17 maintenance.

18 Q. (Indiscernible) any other type of maintenance was  
19 done?

20 A. The boat is -- every year is -- the paint is chipped.  
21 The decks are done. These are probably the cleanest boats I've  
22 seen, and I've been all over the East Coast, well maintained as  
23 far as appearance, inside very clean. The bilge -- in fact,  
24 that was done a few years ago totally inside when they did the  
25 watertight compartments. They were all done over. And we're

1 taking the Saint out this next week and we (indiscernible)  
2 eight, nine years. You take it out, what, every eight to nine  
3 years?

4 UNIDENTIFIED SPEAKER: (Indiscernible)

5 CAPT. FINLAYSON: They take it out and they paint the  
6 bottom. The same way with the Mohican. We take that out every  
7 seven, eight years. They decide when it should come out. We  
8 have a dry dock to bring the boat completely out. And anything  
9 else that has to be done at that point in time has to be pulled  
10 out to be done.

11 MR. TURRELL: Are there any other questions for these  
12 two captains here? Go ahead --

13 BY MR. MATTHEW QUIRK:

14 Q. Matt Quirk from Shoreline. I think both captains can  
15 concur that on a trip in the northbound direction that they did  
16 not see the Ethan Allen. Isn't that true?

17 A. That's correct. I never saw the Ethan Allen.

18 Q. And then in -- I got confused when the gentleman said  
19 that the (indiscernible). You didn't see the boat, but the  
20 comment that you didn't see it full. I was curious if you  
21 could elaborate on that.

22 UNIDENTIFIED SPEAKER: What do you mean? Did you see  
23 the boat or not?

24 CAPT. FINLAYSON: I did not see the boat. I wasn't  
25 in position in the pilothouse. As I pointed out, I was looking

1 at the log and Captain La Pointe was at the wheel.

2 BY MR. MATTHEW QUIRK:

3 Q. Captain La Pointe, at what time do you think you were  
4 at Cramer's Point or passing?

5 A. I really couldn't tell you a time, because I never  
6 look at the clock. There was a clock on the rear wall of the  
7 pilothouse. I'm looking ahead of that to operate the vessel,  
8 and I really don't look at my watch. The first time I looked  
9 at it would be just about when we're going into Paradise Bay.

10 Q. The other question is, being on the Mohican -- or  
11 I've had the experience of being on the Adirondac, which is a  
12 similar structure and that height. And a 40-footer on a calm,  
13 clear day, very sunny day, with the light roofs that are 40  
14 feet long by 30 feet, I'm just curious. What would you say  
15 (indiscernible) --

16 A. Well, one reason might be that it was hugging the  
17 shoreline close that was there. I mentioned that we give  
18 announcements. I'm really focused on what's in front of me and  
19 my peripheral vision as I'm piloting the vessel. Captain  
20 Finlayson talking years ago that -- well, he said a couple of  
21 things. He said the announcements are important to stay on  
22 course. The other thing he said was you don't have to look at  
23 what you're talking about when you make the announcements. So  
24 I could tell you most of the announcements as I go along there,  
25 and by the time it takes me to get them out it's kind of a

1 running spiel. So I really don't have occasion to look. I'll  
2 tell you where I did look, though, because I saw buoys at  
3 Hearthstone Point on Saturday, like dive -- a dive school or  
4 something. There were a couple of lime green ones and a couple  
5 of orange fluorescent ones. Those did catch my eye and I just  
6 said, "Oh, they're having dive training again today." That's  
7 the only time I looked in that vicinity. And when I looked  
8 over there, I did not see the Ethan Allen.

9 Q. That was Saturday afternoon?

10 A. No, it was Sunday afternoon.

11 Q. Do you want to elaborate on this diving school and  
12 where it was?

13 A. Hearthstone State Park, it's a campsite up the lake.  
14 It's just past the big, large mansion, the former Peabody  
15 Estate. It's probably a residence, now owned by a doctor. The  
16 day before I saw the buoys out, and I may have even seen divers  
17 over there. And I was speaking to someone and said, "Oh,  
18 they're having a dive school over there." Sunday I happened to  
19 notice those buoys, because of the colors they stood right out,  
20 that fluorescent -- or lime green and two of the fluorescent  
21 orange ones. And it just struck me that the dive school must  
22 be in operation today, too. It may not have been a dive  
23 school, but the buoys were still there.

24 Q. What day was this?

25 A. Sunday. I saw them both Saturday and Sunday.

1 MR. SEAN QUIRK: Matt, when you're done.

2 MR. MATTHEW QUIRK: No, go ahead.

3 MR. SEAN QUIRK: Sean Quirk, Shoreline Cruises. I  
4 would like to ask -- I'm sorry --

5 CAPT. FINLAYSON: Finlayson?

6 BY MR. SEAN QUIRK:

7 Q. The questions that Mr. La Pointe wasn't able to  
8 answer, the time that you came into the pier?

9 A. I'd have to check the log, because I don't remember  
10 that.

11 Q. You don't remember either, okay. You  
12 (indiscernible).

13 UNIDENTIFIED SPEAKER: (Indiscernible) nothing wrong  
14 (indiscernible) a copy of the logbook. We'll get it to you.  
15 We have a copy.

16 Q. BY MR. SEAN QUIRK: Now you are in training and so  
17 forth?

18 A. No, I'm not. I was in training about 12 years ago.

19 Q. Well, I didn't understand. Is this your first year  
20 of your master's license?

21 A. No, I had a master's license, but they never let --  
22 the company policy is you wouldn't let -- even if you had a  
23 master's license you wouldn't take the boat out as captain  
24 until you have approximately ten years' experience, and only  
25 then on the recommendation of a senior officer.

1 Q. Very good, okay. That answers the question. So  
2 you're not really in training, and you're not training him?

3 A. I think what the illusion was, I did train under him.

4 Q. Okay.

5 A. I trained under him 10 years, 12 years, initially for  
6 (indiscernible).

7 BY MR. SEAN QUIRK:

8 Q. Okay, and you were in the pilothouse looking at the  
9 logbook?

10 A. That's correct.

11 Q. Okay, and where would you say the most traffic would  
12 be of that day when you were on that cruise? You went up all  
13 the way from Paradise Bay to here. Would the most traffic be  
14 in the southern end or the northern end?

15 A. The most traffic is at the southern end. I call it  
16 Broadway, from here right to Bolton Landing if you're going  
17 north, from this bay -- that's the direct way to go to Bolton  
18 Landing, and that's where 90 percent of your traffic is. And it  
19 was a very busy day, probably one -- we made the comment that  
20 it looked like a typical weekend. It was a beautiful day and  
21 everybody was out.

22 Q. Okay, and you were checking on his course?

23 A. Right. Not every second -- as I explained, when we  
24 get to start, I went on the bridge, that had I had it, I just  
25 check, yup, George is on course, very good.

1 Q. Do you remember where he was heading at that point?

2 A. I didn't put it in my log, the exact time I looked to  
3 see if George was on course, if that's what you're alluding to.

4 Q. No. I'm just wondering if you remember, like if he  
5 was heading to -- the first mark is --

6 UNIDENTIFIED SPEAKER: Canoe Island.

7 MR. SEAN QUIRK: -- Canoe Island.

8 BY MR. SEAN QUIRK:

9 Q. From here you go to Canoe Island?

10 A. Big Canoe.

11 Q. Big Canoe, okay.

12 A. And sometimes we can go out closer to Diamond and  
13 then come back after -- flip a coin or something in that area  
14 and come back onto the Canoes.

15 Q. Okay, because I'm just getting to the Ethan Allen  
16 definitely would not be in the bay when it was passing you,  
17 because that's where it's stopping. He would have already been  
18 way beyond that if the waves are the cause of the this -- or  
19 not the cause -- so if you would have been able to see the  
20 Ethan Allen, it would have been much before the actual bay, is  
21 what I'm getting at, the timing. And the waves have to catch  
22 up to the boat. So were you -- that would be down here in the  
23 southern basin, where all the boats are, and you have to be  
24 watching, you know, where these boats are cutting you off, if  
25 they're going to veer into you. But you still did not see the



1 boats?

2 A. No. You know, just to be clear on the terms, when I  
3 refer to the southern basin, I refer to that from Tea Island  
4 in. We're still on the southern end of the lake. But, you  
5 know, when I'm on the course I'm looking ahead. I'm not  
6 looking at the shoreline. I'm not looking, you know, at -- I'm  
7 not looking for the Ethan Allen and boats along the shore.

8 Q. Other than the comment that you were stating, that  
9 you wouldn't be able to see the Ethan Allen in -- because it  
10 was in Cramer's Point, but it wouldn't have been there until  
11 after you were farther on. So it would have been there. You  
12 would have been able to see it if --

13 A. If you were looking in that direction. And your  
14 operation, you hug the shore all the time.

15 Q. Yes, we do.

16 A. You also go in the next bay, in that little bay in  
17 there.

18 Q. That's correct.

19 A. And we have no reason to look in there. We stay on  
20 course and away we go.

21 Q. The Adirondac was coming up and you made the comment  
22 (indiscernible). Which side did the Adirondac actually pass  
23 you on?

24 A. Our port side. We passed port to port.

25 Q. Okay, and then the Hearthstone divers, you saw them

1 both on Saturday and Sunday?

2 A. I saw the buoys. I didn't see divers in the water.  
3 But somebody told me what the buoys mean is there's a dive  
4 school there. Somebody said there's a sunken car they're  
5 practicing on. I don't know if there is or not, but  
6 (indiscernible).

7 MR. SEAN QUIRK: Okay, thank you very much.

8 BY MR. TURRELL:

9 Q. The only question I have is -- the remaining question  
10 is, when you say you back out and you always check over at  
11 Shoreline Cruises --

12 A. I try to make a habit to see if the big boats are out  
13 on the lake.

14 Q. So those are the two big boats or three, the Ethan  
15 Allen, the De Champlain --

16 A. It could have been the Adirondac.

17 Q. In other words, you're not looking for the smaller  
18 boats. You're looking for the big boats, right?

19 A. Oh, any boat actually that's in that area, naturally.

20 Q. Did you see any boats at that time?

21 A. I knew the Adirondac was out. I don't remember -- I  
22 want to say the Horicon was there, but I just don't remember  
23 that for sure. But I did see the empty slip.

24 CAPT. FINLAYSON: As I recall, the De Champlain was  
25 docked when we got back to the pier.

1           MR. TURRELL: Well, I'm not worried about when you  
2 got back, just when you left. When you left, how many boats  
3 did you see at the dock? That's the first question, how many  
4 boats at the pier did you see?

5           CAPT. LA POINTE: I think I saw -- again, I think the  
6 Horicon was at the pier.

7           MR. TURRELL: Okay. I have no more questions, except  
8 for Bill Dowl. Liam?

9           MR. LARUE: I have no questions.

10          BY MR. TURRELL:

11          Q. Bill, you supplied some documents here to us, to the  
12 NTSB and I'll give these to the parties. Bill, if you would  
13 just briefly describe your operation here at Lake George. Just  
14 tell us how many employees you have and how many boats you have  
15 and how long you've been in existence and just a brief history.

16          A. Sure. Sure, Bill Dowl, Lake George Steamboat  
17 Company. We have three major boats here. I had three boats  
18 that have been on the lake since 1989, the Minne-Ha-Ha.  
19 (Indiscernible) steamboat has been on the lake since 1969. And  
20 the Mohican, the boat that seems to be of interest here, has  
21 been on the lake 98 years, since 1908. It's been making the  
22 Paradise Bay trip every day for 98 years.

23                 During the summer the peak employment with the boats  
24 (indiscernible), but with the boats we'll employ 220 people,  
25 marine crew -- food and beverage is by far the largest of the

1 group. The company itself was founded in 1817, the first boat  
2 went up the lake. And it's the oldest continually operating  
3 steamboat company not only in America but in the world. And my  
4 family, my dad bought it in November of 1945 and we've been  
5 operating ever since.

6 On the subjects that came up here today, just to  
7 comment on a few of them, the Mohican, we determined about six  
8 years ago that we have (indiscernible) was built to Coast  
9 Guard. She's subchapter H (indiscernible) inclined the Coast  
10 Guard. And Bob Simons, a naval architect and marine engineer,  
11 has been around (indiscernible). We put 34 feet in the Minne-  
12 Ha-Ha about seven years ago. (Indiscernible), John Gilbert  
13 Associates in Boston. (Indiscernible) and, again, we inclined  
14 her -- we inclined her to subchapter K. The Mohican, I  
15 determined to try and put her on the National Register. But  
16 despite that I know it was more important to (indiscernible)  
17 Coast Guard, subchapter K, so we did. And to do that we had to  
18 take all her portholes out, which was kind of a shame but we  
19 did, and we had to put two additional watertight bulkheads, one  
20 right in the middle of the engine room. So we have seven  
21 watertight compartments in her. And she inclined --  
22 (indiscernible) subchapter K, protected waters (indiscernible)  
23 compartment stability, and she inclined to 375 passengers.

24 The Coast Guard -- the New York --

25 Q. (Indiscernible) would incline (indiscernible).

1           A.    Oh, incline is stability.

2           Q.    (Indiscernible).

3           A.    From here on, okay.  I assume, when you ask, I assume  
4 you fellows know what an incline is (indiscernible).

5           Q.    Okay, well (indiscernible).

6           A.    She inclined to 375.  The state, as you'll see,  
7 continues to license her at -- what the hell have we got  
8 here -- at 435, 426 passengers.  So we have arbitrarily sent in  
9 the computers 370 and we'll take no more.  So again, we will  
10 stay within the regs, our own regs in that case.  If you notice  
11 on the certificate here it calls for one captain, one master.  
12 And we have always (indiscernible) -- we always have two  
13 licensed men on every boat on every trip.  We feel that's  
14 important to man the pilothouse.  One can go attend to a  
15 problem while the other one may pay attention to the  
16 navigation.

17                   You'll also notice that the certificate requires no  
18 engineer.  Every ship, every trip sails with a chief engineer,  
19 a licensed chief engineer.  So we go over and above.  You asked  
20 about procedures.  Like this is the employee handbook.  
21 (indiscernible), but it does lay out behavior and what you have  
22 to do and some safety (indiscernible).  But for each ship  
23 there's a captain's safety manual.  I'll give you a copy of it.  
24 It's about this thick, and it is complied most from our  
25 experience in (indiscernible).  (indiscernible) absolutely

1 every emergency, anchoring, bomb threats, you name it, they're  
2 all addressed in there and how to do it. We make sure these  
3 boys know it well. They better -- those facts. The safety  
4 announcements -- each ship before it goes out there, we have a  
5 whole checklist for the safety announcements. That's every  
6 trip. On the Minne, they have to make those safety  
7 announcements seven times a day, but the make them and make  
8 them right.

9           We run -- I run the company like the Coast Guard.  
10 And why, because from New Orleans -- the New Orleans Steamboat  
11 Company, which kind of got knocked out here a month ago. The  
12 whole damned city got knocked out. But the Natchez, an  
13 external wheel steamboat, about 1,630 capacity passengers, and  
14 she is Coast Guard and she is also ABS. She was designed to  
15 all the standards of the ABS and carries ABS right on  
16 (indiscernible). And down there we well know the Coast  
17 Guard -- in fact, I think I mentioned the self-inspection  
18 program (indiscernible) -- first excursion company in America  
19 that was rated the SIP, which is essentially self-inspection,  
20 because we run it well. And we bring that up here. And all  
21 our procedures and everything -- the only thing we don't have  
22 up here is drug testing. You know, the Coast Guard has random  
23 drug testing, you know, but we don't have that. But we have  
24 all the other crucial issues.

25           I could go on and on and on.

1           MR. TURRELL: I think if I have any other questions  
2 I'll correspond in writing or call you.

3           MR. DOWL: If you would, if you would.

4           MR. TURRELL: Gentleman, if you'll acknowledge with  
5 your name and just acknowledge it's been recorded, unless you  
6 have anymore questions.

7           MR. SEAN QUIRK: I have one more question.

8           MR. TURRELL: Yeah, sure.

9           BY MR. SEAN QUIRK:

10          Q. Bill, thanks for meeting with us today. I was  
11 wondering what the maximum weight from the (indiscernible) of  
12 the Mohican.

13          A. (Indiscernible).

14          Q. Are there any engineers or people that have an  
15 understanding of that?

16          A. Oh, Jack Hill could tell you, because it's a rolling  
17 weight. But as long as you brought the question up, I'd like  
18 to bring out here and put it on the record, the business of the  
19 Mohican's weight caused this boat to turn over is hogwash. Now  
20 I'm sure the sheriff and the investigators -- the one lady that  
21 watched it turn over, she said there was actually no wake. I  
22 asked her where was the Mohican. She said, oh, it was way up  
23 beyond (indiscernible). Larue, he went out with his wife and  
24 picked up eight people. That whole business -- I can see the  
25 thrust of these fellows' questions, particularly this one -- is

1 absolutely hogwash, okay? That's on the record.

2 MR. TURRELL: Any other questions? We appreciate  
3 your time, and at this point we'll conclude the interviews. If  
4 the three of you will just acknowledge you've been recorded and  
5 we'll end.

6 CAPT. LA POINTE: This is George La Pointe. I  
7 acknowledge this has been recorded.

8 CAPT. FINLAYSON: This is Captain Finlayson. I  
9 acknowledge it's been recorded.

10 MR. DOWL: Bill Dowl, Lake George Steamboat Company.  
11 I acknowledge the recording.

12 MR. TURRELL: Okay, great. Thanks very much.

13 (Whereupon, the interviews in the above-entitled  
14 matter were concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:           Investigation of MV Ethan Allen  
                                  Lake George, New York  
                                  October 2, 2005  
                                  Interview of George La Pointe  
  Darrell M. Finlayson  
  Bill Dowl

DOCKET NUMBER:           DCA 06 MM 001

PLACE:                    Lake George, New York

DATE:                     October 4, 2005

was held according to the record, and that this is the  
original, complete, true and accurate transcript which has been  
compared to the recording accomplished at the hearing.

\_\_\_\_\_  
Phyllis Jarvis  
Transcriber